

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JORGE CARVAJAL-ECHEAGARY,

Plaintiff,

v.

BRAD CAIN; DR. GULICK; DR.
DIGIULIO,

Defendants,

Case No. 2:20-cv-00193-AA

**NOTICE OF LAWSUIT
AND REQUEST FOR
WAIVER OF SERVICE**

TO: Assistant Attorney General
Department of Justice
1162 Court Street NE
Salem, OR 97301-4096

Plaintiff, a prisoner proceeding *pro se* and *in forma pauperis*, has commenced a lawsuit against the following individuals the Court believes you represent: **Brad Cain, Dr. Gulick, and Dr. DiGiulio**. A copy of the Complaint is attached to this Notice. This Court concludes that Plaintiff has a reasonable opportunity to prevail on one or more claims and Defendants must therefore file an answer or other responsive pleading. *See* 42 U.S.C. § 1997e(g)(2).

This is not a formal summons. It is a request that, to avoid expenses, you waive service of a summons on behalf of Defendants by signing and returning the attached Waiver. To avoid these expenses, you must return the signed Waiver within thirty days from the date shown below.

If Defendants waive service, this action will proceed as if Defendants had been served on the date the Waiver is filed, but no summons will be served on Defendants. Because the Court seeks to expedite the resolution of prisoner cases, execution of a waiver form does *not* increase

the time in which Defendants must file an answer or responsive pleading. *See* Fed. R. Civ. P. 12(a)(1)(A).

If you do not wish to waive service on behalf of any or all of the Defendants, please indicate this on the waiver form. The Court will, in turn, order the U.S. Marshals Service to serve the Complaint on the appropriate Defendants.

NOTICE: If Plaintiff is confined at Snake River Correctional Institution (SRCI) or Two Rivers Correctional Institution (TRCI), or is transferred to either of these facilities during the course of this proceeding, he or she must participate in the Court's E-Filing Pilot Program. In that event, Defendants must accept electronic service of all Court filings by Plaintiff. Further, Defendants need not mail a paper copy of their pleadings to Plaintiff. SRCI and TRCI staff will provide Plaintiff a copy of all electronic filings. *See* Standing Orders 2019-7 and 2019-12.

DATED this 25th day of February, 2020.

A handwritten signature in black ink, appearing to read "Ann Aiken", written over a horizontal line.

Ann Aiken
United States District Judge

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Plaintiff,

WAIVER OF SERVICE FORM

v.

BRAD CAIN; DR. GULICK; DR.
DIGIULIO,

Defendants!

TO: The U.S. District Court for the District of Oregon

I have received the Court's request to waive service of a summons in this action along with a copy of the Complaint. I agree to save the cost of serving a summons and complaint in this case on behalf of the following Defendants:

Defendants shall retain all defenses or objections to the lawsuit, the Court's jurisdiction, and the action, but Defendants waive any objection to the absence of a summons or of service.

The above-named Defendants must file and serve an answer or a motion under Rule 12 within thirty days from the date this Notice was signed. I understand that because the Court seeks to expedite the resolution of prisoner cases, execution of a waiver form does *not* increase the time in which to file an answer or responsive pleading.

I decline to waive service on behalf of the following Defendants:

_____;
_____;
_____;
_____.

DATE

SIGNATURE

PRINTED / TYPED NAME